



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

JUL 29 2015

Kristen Monsell  
Staff Attorney  
Center for Biological Diversity  
351 California Street, Suite 600  
San Francisco, CA 94104

Re: Freedom of Information Act Request EPA-R9-2015-007209

Dear Ms. Monsell:

This is part 2 of our two-part phased response to your Freedom of Information Act request dated May 18, 2015 requesting:

- 1) All records of communications concerning alternatives to discharging produced waters and/or records of communications regarding prohibiting discharges under the National Pollutant Discharge Elimination System General Permit for Offshore Oil and Gas Exploration, Development and Production Operations Off Southern California (Permit No. CAG280000) from January 1, 2010 to the present; and
- 2) All records of communications between the Environmental Protection Agency and the California Coastal Commission concerning alternatives to discharging produced waters and/or records of communications regarding prohibiting discharges from oil and gas operations on the Pacific Outer Continental Shelf from January 1, 2010 to the present.

In an email dated June 26, 2015 to Melanie Shepherdson of Region 9's Office of Regional Counsel, you agreed to a phased response to your FOIA request. In accordance with phase 1, Region 9 would provide responsive documents and Outlook emails by July 1, 2015. In a letter dated June 30, 2015 Region 9 provided the phase 1 documents.

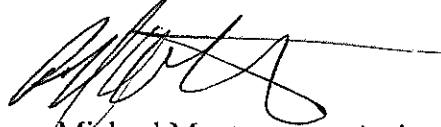
Documents to be provided for phase 2 would consist of responsive Lotus Notes emails and an itemized list by categories of withheld materials along with the basis for withholding. These documents would be provided by July 31, 2015. Responsive, releasable documents for the second phase of our response have now been uploaded to EPA's FOIAOnline system found at <https://foiaonline.regulations.gov/foia/action/public/home>. To access the documents, reference your FOIA request as EPA-R9-2015-007209. These documents include certain Outlook emails not previously identified in phase 1.

We are unable to provide you with documents which have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b)(5) (deliberative process, attorney client privilege or attorney work product). An itemized list by categories of the withheld material along with the basis for withholding is provided in the enclosure to this letter.

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed and includes the assigned FOIA request number - EPA-R9-2015-002709. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

We have waived any fees for researching this matter as provided by 40 CFR Part 2 Subpart A. If you have any questions regarding this matter, please call Eugene Bromley at (415) 972-3510.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Montgomery", with a long horizontal line extending to the right.

Michael Montgomery, Acting Director  
Water Division

Enclosure

## Itemized List by Categories of Withheld Material

Documents containing information responsive to FOIA Request No. EPA-R9-2015-002709

Document Description	Basis for Exemption	FOIA Exemption Number
Intra-agency communications between EPA staff, EPA managers and attorneys and draft documents concerning (1) response to a 2014 petition filed by the Center for Biological Diversity concerning requirements for discharges from offshore oil and gas platforms, and (2) response to a similar 2014 letter from the California Coastal Commission  Approximately 80 documents	<ul style="list-style-type: none"><li>• Deliberative process</li><li>• Attorney work product</li><li>• Attorney client privilege</li></ul>	Exemption b(5)
Intra-agency communications between EPA staff, EPA managers and attorneys and various associated documents concerning implications for Region 9 of 2010 offshore drilling moratorium in response to BP Gulf of Mexico spill  Approximately 25 documents	<ul style="list-style-type: none"><li>• Deliberative process</li><li>• Attorney work product</li><li>• Attorney client privilege</li></ul>	Exemption b(5)
Miscellaneous intra-agency communications between EPA staff, EPA managers and attorneys and various associated documents concerning general NPDES permit No. CAG280000.  Approximately 250 documents	<ul style="list-style-type: none"><li>• Deliberative process</li><li>• Attorney work product</li><li>• Attorney client privilege</li></ul>	Exemption b(5)

